

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of New York**

Index Number: 07 CIV 6228

Date Filed: 7/5/2007

**Plaintiffs:**

**HOWARD S. ROSENTHAL a/k/a HOWARD S. ROSE and ROBERT MORRIS**

**vs.**

**Defendant:**

**ROBERT M. DUFF**

**For:**

**Herrick, Feinstein LLP  
Two Park Avenue  
New York, NY 10016**

Received these papers to be served on **ROBERT M. DUFF** located at **100 N.E. 3rd Avenue, Boca Raton, Florida 33432**.

I, Pennie Cain, being duly sworn, depose and say that on the **10th day of July, 2007 at 11:45 am, I:**

**Affixed a true copy of the Summons in a Civil Action, Complaint, Civil Cover Sheet, Individual Practices of Hon. Richard M. Berman, US District Judge, and Individual Practices of Magistrate Judge Andrew J. Peck to the door of said premises, the same being the Defendant's usual place of abode. Deponent additionally served by depositing a copy of the said Document in a postpaid envelope bearing the words "Personal & Confidential" by First Class Mail on 7/10/2007 in an official depository of the U.S.P.S. in the State of Florida.**

**Additional Information pertaining to this Service:**

**7/7/2007 @ 6:35 am-- No answer, Car in the driveway Florida tag # S92 8LK . Left business card in the door.**

**7/7/2007 @ 10:35 pm --No answer. Card and vehicle are as previously. Mail in the mailbox.**

**7/9/2007 @ 6:20 am--Same status**

**7/9/2007 @ 19:45 pm-- Card is no longer visible. the vehicle is still in the driveway and there are no signs of life.**

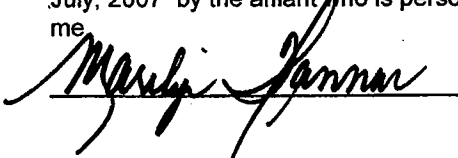
**7/10/2007 @ 10:00am-- No change in status**

**7/10/2007 @ 11:45 am-- No change and no answer. Affixed documents as instructed per attorney.**

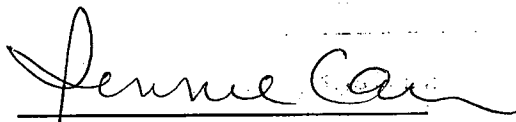
**MILITARY STATUS:Based upon my inquiry of the defendant with the neighbor "Jane Doe" (refused name), it is believed that there isn't anyone in the household that is in the service of The United States of America**

**I am over the age of 18, am not a party in the above action, and am a Certified Process Server, in good standing, in the jurisdiction in which the process was served.**

Subscribed and sworn to before me on the 11th day of July, 2007 by the affiant who is personally known to me



NOTARY PUBLIC-STATE OF FLORIDA  
**Marilyn T. Hannan**  
Commission # DD495297  
Expires: NOV. 30, 2009  
Bonded Thru Atlantic Bonding Co., Inc.



**Pennie Cain**  
Process Server

**Our Job Serial Number: 2007002797  
Ref: 12305-003**

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

HOWARD S. ROSENTHAL a/k/a HOWARD S.  
ROSE and ROBERT MORRIS

SUMMONS IN A CIVIL ACTION

V.

ROBERT M. DUFF

CASE NUMBER:

**'07 CIV 6228**

**Judge Berman**

TO: (Name and address of Defendant)

David L. Fox, Robert M. Duff, 1000 N.E. 3rd Ave., Boca Raton, Florida,  
33432

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Herrick, Feinstein LLP  
2 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 05 2007

CLERK

*Marios Quintero*

(By) DEPUTY CLERK

DATE